

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13415 of 2024

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Dharmendra Kumar Son of Surendra Gupta, resident of Village-Kadirganj,
Police Station-Kadirganj, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Nawada.
3. The Sub Divisional Officer, Sadar, Nawada.
4. The Superintendent of Police, Nawada.
5. The Station House Officer, Nawada Police Station, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Smt. Anuradha Singh, SC -21
		Mr. Rakesh Prabhat AC to SC -21

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 06-09-2024 In the instant petition, petitioner has prayed for the
following relief(s) :

*“A. For issuance of appropriate writ in
the nature of mandamus or any other writ/writs,
order/orders commanding the respondents to
release bus of the petitioner bearing registration
no.- BR-27P-3633, Chasis No.-
MBIPAECD9MAJL5087, Engine No.-
MKEZ404400, which has been seized in
connection with Nawada Town (Kadirganj O.P.)
P.S. Case No.- 1473 of 2023 dated 16.09.2023 for
offences punishable under Section- 30(a) of the*



Bihar Prohibition & Excise Act;

B. for commanding the respondent to compensate the petitioner for the loss of earnings and livelihood on account of their illegal and arbitrary action by making seizure of the vehicle in question, debarring the petitioner for plying the same for earning his livelihood;

C. for any other relief/reliefs for which the petitioner may be found entitled in the present fact and circumstances of the case.”

2. Nawada Town (Kadirganj O.P.) P.S. Case No. 1473 of 2023 dated 16.09.2023 has been registered for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act in respect of Bus bearing Registration No. BR-27P-3633, Chasis No.- MBIPAECD9MAJL5087, Engine No.- MKEZ404400.

3. It was subject matter of confiscation proceeding. The Confiscation Authority proceeded to drop the proceedings on 24.06.2024. Thereafter, the petitioner has invoked certain remedies before the Exclusive Excise Court-1, Nawada, the same was not considered on the score that the subject matter of the motor vehicle is not an excise offence.

4. Taking note of the aforementioned facts and circumstances, the concerned authority is hereby directed to release the subject matter of vehicle in favour of the petitioner



after perusal of vehicle documents within a period of one week from today failing which, the petitioner is entitled to litigation cost and cost is quantified at Rs. 25,000/-. Cost shall be paid by the official respondents.

5. With the above observations/directions, the writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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